

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROMMEL QUEROL,
Plaintiff,

v.

RICHARDS, et al.,
Defendants.

Case No. [22-cv-01800-JD](#)

ORDER RE SERVICE

Plaintiff, a state prisoner, filed a pro se civil rights complaint under 42 U.S.C. § 1983. He alleged that he suffered a severe injury due to unsafe work conditions at the prison. After the Court dismissed the case at screening, the Ninth Circuit concluded that plaintiff had stated a claim. Service is ordered on defendants Richards, Maready, Smith, Bell, Robertson, Lacy and Lemos. Once defendants waive service or are served, and counsel for them appears, this case will be referred for mediation to the Northern District of California Pro Se Prisoner Mediation Program.

CONCLUSION

1. The Court orders that the following defendants be served electronically at Pelican Bay State Prison: Correctional Officer Richards who was assigned to the A-Facility kitchen, Maready who was a cook at the A-Facility kitchen, Lieutenant A. Smith, Warden J. Robertson, Captain J. Lacy, Associate Warden T. Lemos and D. Bell.

Service on the listed defendants will be effected via the California Department of Corrections and Rehabilitation's (CDCR) e-service program for civil rights cases from prisoners in CDCR custody. In accordance with the program, the Clerk is directed to serve on CDCR via email the following documents: the operative complaint (Dkt. No. 8), this order of service, a CDCR Report of E-Service Waiver form and a summons. The Clerk also requested to serve a

1 copy of this order on the plaintiff.

2 No later than 40 days after service of this order via email on CDCR, CDCR will provide
3 the Court a completed CDCR Report of E-Service Waiver advising the court which defendant
4 listed in this order will be waiving service of process without the need for service by the United
5 States Marshal Service (USMS) and which defendant declines to waive service or could not be
6 reached. CDCR also shall provide a copy of the CDCR Report of E-Service Waiver to the
7 California Attorney General's Office which, within 21 days, will file with the Court a waiver of
8 service of process for the defendant if he is waiving service.

9 Upon receipt of the CDCR Report of E-Service Waiver, the Clerk is requested to prepare
10 for each defendant who has not waived service according to the CDCR Report of E-Service
11 Waiver a USM-205 Form. The Clerk will provide to the USMS the completed USM-205 forms
12 and copies of this order, the summons and the operative complaint for service upon each defendant
13 who has not waived service. The Clerk will also provide to the USMS a copy of the CDCR
14 Report of E-Service Waiver.

15 2. All communications by plaintiff with the Court must be served on defendants, or
16 defendants' counsel once counsel has been designated, by mailing a true copy of the document to
17 defendants or defendants' counsel.

18 3. It is plaintiff's responsibility to prosecute this case. Plaintiff must keep the Court
19 informed of any change of address by filing a separate paper with the clerk headed "Notice of
20 Change of Address." He also must comply with the Court's orders in a timely fashion. Failure to
21 do so may result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of
22 Civil Procedure 41(b).

23 **IT IS SO ORDERED.**

24 Dated: September 25, 2023

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28 JAMES DONATO
United States District Judge